

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRAKEER NEWSOME,

Plaintiff,

v.

JOHN WETZEL, et al,

Defendants.

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Civ. A. No. – 1:18-317

MEMORANDUM ORDER

On January 3, 2020, the Court issued an Opinion and Order [ECF Nos. 47 and 48, respectively] which granted Defendants’ Partial Motion to Dismiss [ECF No. 36] the Amended Complaint [ECF No. 32] as to Defendants Wetzel, Benner and Gilmore as well as all claims against the remaining Defendants, two of whom were identified as “John Does,” in their official capacities. In his Second Amended Complaint that was docketed on March 18, 2020, Plaintiff has identified the two John Does as Lt. Efaw and Sgt. Craig Bowlin and substitutes their names in the paragraphs of the Amended Complaint that previously referenced the John Doe parties. In addition, Plaintiff has amended his claim for relief. In all other respects, the substantive allegations that form the basis for Plaintiff’s claims remain the same.

Defendants have now filed a Partial Motion to Dismiss the Second Amended Complaint [ECF No. 65] and supporting Brief [ECF No. 66] which rely upon the same grounds as their previous partial motion to dismiss. Because the substantive allegations in the Second Amended Complaint are the same as those addressed by the Court with respect to the first Amended Complaint, the same analysis applies to resolve Defendants’ present motion.

Therefore, for the reasons stated in the Court’s Opinion addressing the Defendants’ first partial motion to dismiss, Defendants’ Partial Motion to Dismiss the Second Amended Complaint

is GRANTED. Plaintiff's claims against Defendants Wetzel, Benner and Gilmore, as well as his claims against Defendants Teagarden, Carter, Efaw, Bowlin and Smith in their official capacities, are dismissed with prejudice.

SO ORDERED this 6th day of April, 2020.

/s/Patricia L. Dodge
PATRICIA L. DODGE
United States Magistrate Judge

cc: BRAKEER NEWSOME
LJ-2730
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